

April 18, 1983

LB 209

SENATOR GOODRICH: I don't think so on the grounds that we could change it here in the Legislature, and what the specific reference...you see the court action was brought on the basis that the...

SENATOR CHAMBERS: Okay, you answered my (interruption).

SENATOR GOODRICH: ...reference was not in the statute that gave them authority to have the specific amendment so by putting that in...

SENATOR CHAMBERS: But, Senator Goodrich...

SENATOR GOODRICH: ...the legislation now and for that reason since it is on Final they have chosen not to appeal it but just (interruption).

SENATOR CHAMBERS: Senator Goodrich, would you please answer the question because you can comment on the issue and I know I have ten minutes as the introducer but I am trying to expedite. The judicial remedies that are available have not been exhausted by the School Board yet, isn't that true?

SENATOR GOODRICH: Not to my knowledge.

SENATOR CHAMBERS: All right, can the school right now under the existing law expel a student if he or she has committed an infraction of sufficient seriousness?

SENATOR GOODRICH: No, I don't believe they can because of the fact that it is not a specific reference in the statutes that says a specific penalty for a specific offense.

SENATOR CHAMBERS: So, then, Senator Goodrich, you are telling me that there are no students under expulsion in the Omaha Public School system now?

SENATOR GOODRICH: No, I am not.

SENATOR CHAMBERS: Is that what you are telling? So they can expel, can't they, but they have to (interruption)?

SENATOR GOODRICH: They have been doing it on the basis of their understanding of the statutes until the court picked this particular point out and ruled that way.

SENATOR CHAMBERS: Now, Senator Goodrich, we have got to make a distinction here. Isn't it true that the way the